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May 1, 2025

VIA ECF

The Honorable Jed S. Rakoff
United States District Judge, Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Philip von Kahle ex rel. Coex Coffee International, Inc. v. Cargill, Inc.*,
No. 1:21-cv-08532 (JSR)(SDA) (S.D.N.Y.)

Dear Judge Rakoff:

On behalf of the parties, pursuant to Rule 6.1 of the Southern District of New York's Electronic Case Filing Rules & Instructions, and Rule 14(c) of this Court's Individual Rules of Practice, Plaintiff Philip von Kahle, in his capacity as assignee for the benefit of creditors of Coex Coffee International, Inc. ("Plaintiff"), hereby submits this joint letter to the Court.

During an April 28, 2025 telephone conference with the Court, Defendant Cargill, Inc. ("Cargill") requested that Plaintiff be required to file certain documents supporting Plaintiff's then forthcoming motion *in limine* under seal for a limited period. During the telephone conference, the Court orally ordered that the documents be filed under seal and shall remain under seal for three days, and directed that the parties meet and confer to discuss whether and to what extent those documents should remain sealed. A written order reflecting the Court's ruling was entered on April 29, 2025. *See* ECF No. 333.

On April 28, 2025, Plaintiff filed (i) Plaintiff's Motion in Limine to Preclude Thane Twiggs from Testifying at Trial, and incorporated memorandum of law (the "Motion in Limine") [ECF No. 326 (*redacted*) and ECF No. 328 (*filed under seal*)], and (ii) the Declaration of Jason P. Hernandez, Esq. in Support of Plaintiff's Motion in Limine to Preclude Thane Twiggs from

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Testifying at Trial, and exhibits attached thereto (the “Hernandez Declaration”) [ECF No. 327 (*redacted*) and ECF No. 329 (*filed under seal*)].

On May 1, 2025, following the parties’ meet and conferral, the Court conducted a second telephone conference. At the conference, Cargill waived its assertion of confidentiality as to the Motion in Limine and certain Exhibits to the Hernandez Declaration, but requested that Exhibits C, D, E, and F to the Hernandez Declaration remain under seal or be filed with limited redactions in order to (i) protect Cargill’s competitively sensitive and confidential business information in Exhibits C and D; (ii) protect Cargill’s confidential communications with regulators in Exhibit E; and (iii) protect third-party privacy and competitively sensitive and confidential business information in Exhibit F. The parties further agreed that in the event that those Exhibits to the Hernandez Declaration are admitted into evidence at trial, they shall be admitted in full, unsealed, and without redaction. Based on this agreement and Cargill’s representations, the Court granted Cargill’s request and directed Plaintiff to refile its Motion in Limine and the Hernandez Declaration in a format consistent with the Court’s ruling.

The parties are filing this letter motion in accordance with Rule 6.1 of the S.D.N.Y ECF Rules, which require a public filing on the docket in order to electronically file a document under seal.

Counsel for Plaintiff has conferred with counsel for Cargill, which has consented to the filing of this joint letter motion.

Respectfully submitted,

/s/ Jason P. Hernandez

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*Attorneys for Plaintiff Philip Von Kahle, in
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/s/ Joshua S. Levy

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Attorneys for Defendant Cargill, Incorporated

SO ORDERED


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